"There will be a decree of forfeiture for adulteration and misbranding. Findings and conclusions in conformity with this opinion may be submitted."

On December 3, 1934, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24031. Adulteration and misbranding of Occo Mineral Compound for Sheep, Occo Mineral Compound for Hogs, and Occo Mineral Compound for Poultry. U. S. v. Oelwein Chemical Co. Tried to the court. Judgment of guilty on counts 1, 2, 3, and 4; not guilty on counts 5 and 6. Fine, $200 and costs. (F. & D. no. 30225. I. S. nos. 41008, 41009, 41010.)

The offense charged in this case was the adulteration and misbranding of stock and poultry compounds in which certain ingredients declared on the labels were present in smaller amounts than represented, or entirely absent. The products were represented to be "vitamized." However, tests of each product showed that 12 grams were not equal to 1 gram of good-grade dried yeast as a source of vitamin B. Tests of the stock and poultry compounds showed that 200 grams were not equal to 1 gram of good grade cod-liver oil as a source of vitamin D.

On May 29, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Oelwein Chemical Co., a corporation, Oelwein, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 18, December 8, and December 12, 1931, from the State of Iowa into the State of Minnesota, of quantities of Occo Mineral Compound for Sheep, Occo Mineral Compound for Poultry, and Occo Mineral Compound for Hogs, which were misbranded. The articles were labeled in part: "Vitamized Occo Mineral Compound for Sheep [or "Poultry" or "Hogs"] * * * Oelwein Chemical Company Oelwein, Iowa."

Analyses showed that the compound for sheep consisted of a mixture containing essentially salt (sodium chloride), Glauber's salt (sodium sulphate), lime, calcium carbonate, calcium phosphate, charcoal, sulphur, and copperas (iron sulphate); that the compound for poultry consisted of a mixture containing essentially salt (sodium chloride), Glauber's salt (sodium sulphate), lime, calcium carbonate, calcium phosphate, charcoal, sodium bicarbonate (baking soda), sulphur, copperas (iron sulphate), and a small amount of plant material; and that the compound for hogs consisted of a mixture containing essentially salt (sodium chloride), Glauber's salt (sodium sulphate), lime, calcium carbonate, calcium phosphate, charcoal, sulphur, copperas (iron sulphate), and sodium bicarbonate (baking soda).

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: The sheep compound was represented to contain fenugreek, powdered African ginger, cod-liver oil fortified with vitamin D, potassium iodide, yeast, and not less than 0.477 percent of iodine, whereas it contained no fenugreek, no powdered African ginger, no cod-liver oil fortified with vitamin D, no potassium iodide, no yeast, and no iodine; the poultry compound was represented to contain powdered capsicum, powdered African ginger, cod-liver oil fortified with vitamin D, yeast, lime (CaO) not less than 31.25 percent, a trace of iodine, African ginger, and capsicum, whereas it contained no capsicum, no powdered capsicum, no powdered African ginger, no African ginger, no cod-liver oil fortified with vitamin D, no yeast, not more than 28.7 percent of lime (CaO) and no iodine; the hog compound was represented to contain wormseed, potassium iodide, ginger, molasses, columbo, yeast, cod-liver oil fortified with vitamin D and a trace of iodine; whereas the article was alleged to contain no wormseed, no potassium iodide, no ginger, no molasses, no columbo, no yeast, no cod-liver oil fortified with vitamin D, and no iodine.

Misbranding was alleged for the reason that the following statements, (sheep compound) "Ingredients Guaranteed * * * Foenugreek * * * Pwd. African Ginger * * * Cod Liver Oil fortified with Vitamin D * * * Potassium Iodide * * * Yeast * * * Guaranteed Analysis * * * Iodine (1) not less than .0477%", (poultry compound) "Pwd. Capsicum * * * Pwd. African Ginger * * * Cod Liver Oil fortified with Vitamin D Yeast * * * Guaranteed Analysis Lime (CaO) not less than 31.25% * * * Iodine (1) not less than Trace * * *", (hog compound) "Ingredients: * * * American Worm Seed Potassium Iodide * * * Ginger * * * Molasses * * * Columbo-Yeast * * * Codliver Oil

fortified with Vitamin D * * * Guaranteed Analysis * * * Iodine (1) Trace", regarding the respective products and the statement "Vitamized" regarding all products borne on the labels were false and misleading, since the said sheep compound contained no fenugreek, no powdered African ginger, no cod-liver oil fortified with vitamin D, no potassium iodide, no yeast, no iodine; the said poultry compound contained no capsicum, no powdered capsicum, no African ginger, no powdered African ginger, no cod-liver oil fortified with vitamin D, no yeast, lime (CaO) not more than 28.7 percent and no iodine; and the said hog compound was alleged to contain no American wormseed, no potassium iodide, no ginger, no molasses, no columbo yeast, no cod-liver oil fortified with vitamin D, no iodine, and the said products were not vitamized.

On November 12, 1934, a jury trial having been waived the case was tried to the court. After the submission of evidence and argument of counsel, the court took the case under advisement and on November 16, 1934, adjudged the defendant company guilty on counts 1, 2, 3, and 4 covering the compounds for sheep and poultry, and not guilty on counts 5 and 6 covering the compound for hogs. A penalty of $200 fine and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24032. Adulteration and misbranding of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, quinine sulphate pills and fluidextract ergot; and misbranding of elixir of amidopyrine. U. S. v. Blackman & Blackman, Inc., and Theodore A. Blackman. Pleas of guilty. Fines, $350 against each defendant; suspended as to Theodore A. Blackman. (F. & D. no. 30339. Sample nos. 20920–A, 20921–A, 21333–A, 21334–A, 21336–A, 21338–A, 21341–A, 21600–A.)

The offense charged in this case was the interstate shipment of various pharmaceuticals consisting of 2 lots of elixir amidopyrine that contained less alcohol than declared on the label; 1 lot each of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, and quinine sulphate pills that contained smaller amounts of the said drugs than declared on the labels; and 2 lots of fluidextract of ergot which failed to conform to the standard laid down in the United States Pharmacopoeia, a sample taken from one shipment having been found to have a potency one half of that required by the pharmacopoeia, and a sample from the other shipment having been found to have a potency of not more than one fifth of that required.

On April 12, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Blackman & Blackman, Inc., and Theodore A. Blackman, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, between the dates of July 12, 1932, and February 9, 1933, from the State of New York into the State of New Jersey, of quantities of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, quinine sulphate pills, and fluidextract of ergot, which were adulterated and misbranded; and of quantities of elixir of amidopyrine which was misbranded. The articles were labeled, variously, "Premo Elixir of Amidopyrine 20% Alcohol"; "1½ Grs. Each Premo Preminal Brand of Sodium Phenobarbital"; "Premo 5 Grs. Each Barbital"; "Premo 7½ Gr. Cinchophen Acid Phenylcinchoninic U. S. P. Tablets"; "Pills * * * Premo Quinine Sulphate U. S. P. 2 Grs. (1.30 Mgms.) Each"; "Fluid Extract Ergot U. S. P. * * * Physiologically tested strictly according to the U. S. P. Cockscomb Method * * * very low temperatures used throughout the process doubly insures maximum activity. Dose: 15 to 60 minims (1 to 4 Cc.)." The articles were further labeled: "Premo Pharmaceutical Laboratories [or "Premo Laboratories"] New York, N. Y."

The information charged that the sodium phenobarbital tablets, barbital tablets, cinchopen tablets, and quinine sulphate pills were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold in the following respects: Each of the sodium phenobarbital tablets was represented to contain 1½ grains of sodium phenobarbital, whereas each tablet contained less than 1½ grains, namely, not more than 1.281 grains of sodium phenobarbital; each of the barbital tablets was represented to contain 5 grains of barbital, whereas each of the tablets contained less than 5 grains, namely, not more than 4.457 grains of barbital; each of the cinchophen tablets was represented to contain 7½ grains of cinchophen, whereas each of the tablets contained less than 7½ grains, namely, not more than 6.159 grains, of cinchophen; and each of the quinine sulphate pills was represented to contain 2 grains of quinine sulphate, whereas each of the